



EST. 1905

Town of Gorham, New Hampshire

WATER & SEWER COMMISSION

8 MAIN STREET * GORHAM, N.H. * 03581-1397

TELEPHONE: 603-466-3302

February 1, 2005

Mr. George C. Berlandi, P.E.
Sanitary Engineer, Wastewater Engineering Bureau
State of New Hampshire
Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

Subject: Waste Discharge License - Proposed Phosphorus Limits

Dear Mr. Berlandi,

The Gorham Water and Sewer Department is in receipt of your letter, dated January 26, 2005, advising the Department about the proposed amendments to our current discharge license stemming from a TMDL conducted by the Maine DEP on the Androscoggin River. We understand that proposed future limits at the next license renewal may include mass and concentration limits on the quantity of total and ortho-phosphorus in the plant effluent and also a limit on the mass of BOD₅ and TSS in the plant effluent.

As one of the few holders of an NPDES permit on the Androscoggin River, we expected that we would be directly informed about the completion of the draft TMDL and the anticipated permit limits at the beginning of the public comment period. Unfortunately, we were not directly informed that the draft TMDL study was out for public comment and that waste load allocations had been developed that would establish maximum specific limits on our discharge until 8 days before the end of the comment period (we were just informed today that the comment period has been extended another 15 days until February 18).

The Gorham Water and Sewer Department was aware of the TMDL that was being conducted and voluntarily sampled and analyzed numerous effluent samples for total and ortho-phosphorus in 2004. We also read the notice in the local newspapers about the public comment period which prompted us to call the NH DES offices. However, in these conversations with NH DES less than a week prior to receipt of your letter, it was stated that the Town of Gorham should not be concerned about potential phosphorus limits on the plant effluent.

Based on the limits proposed in your letter, we are very concerned about our ability to meet these limits without significant capital investments and a significant increase in our operations and maintenance budget. Based on our limited review of the draft TMDL (December 2004), we offer the following comments:

- On Page 23, it states that "All of the municipal discharges are an insignificant percentage of the total phosphorus entering the pond." It also appears that all of the municipal plants combined are an insignificant percentage of the BOD₅ and TSS entering the river. Based on the limited contribution of phosphorus, BOD₅ and TSS from the Town of Gorham, we question whether the cost burden and growth limitations are justified.
- On Page 23, Table 4 shows that 96.1% of the ortho-phosphorus in the Gorham WWTF effluent is assimilated before it reaches the Gulf Island Pond (GIP) entrance. On Page 24, the pie charts show that the Gorham WWTF contributes only 0.2% and 0.5% of the total phosphorus and ortho-phosphorus, respectively that enters Gulf Island Pond. We question whether the 3.9% of ortho-phosphorus that is predicted to make it to GIP is within the error of the mathematical model and therefore, that it is possible that no ortho-phosphorus from the Gorham WWTF effluent ever makes it to the GIP entrance?
- On Page 25, the 2004 Discharge data on total and ortho-phosphorus is based on a very limited set of data collected by the Gorham WWTF staff and we believe that more data collection is required to determine the actual amount of phosphorus in the Gorham WWTF effluent. Further, we wonder whether the 2004 Discharge data was collected over the same time period and with same sampling frequency from all sources?

Based on our comments and concerns above, we take exception with all of the proposed license amendments. Prior to the close of the comment period on February 18, we would like to meet with you and other officials from DES, DEP and EPA (as appropriate) to discuss the following:

- Review the proposed standards in greater detail to determine how we arrived at this point without any direct communication from your office or officials from the Maine DEP or U.S. EPA; and
- Discuss if these limits are expected to resolve the water quality issues in the Androscoggin River or if the more-restrictive standards are anticipated in the future.

We also would like additional time to gather samples and conduct the required tests on the effluent to determine whether or not we can comply with these new, more-stringent requirements using the existing treatment systems in place. We may need to obtain additional equipment and training for our plant staff to measure the amount of phosphorus contained in the effluent from our plant and we may need upwards of one year to gather the needed data to document the plant performance. If after gathering the additional information on our plant discharge, we are unable to comply with the new standards, we will need additional time to:

- Determine the capacity needed for the continued growth in the Town of Gorham. The proposed limits in your letter indicate that the mass limits for BOD₅ and TSS will be held

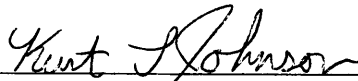
thus driving down concentration limits as growth occurs and possibly forcing advanced treatment to accommodate this growth;

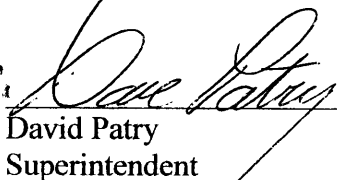
- Study (and possibly design and construct) the improvements needed at the plant to meet any future standards (phosphorus, BOD₅ and TSS);
- Educate and inform the sewer users and citizens in Gorham; and
- Assess the financial burden that any new requirements will have on the sewer system users and the citizens of the Town of Gorham.

We would like to stress that we do not believe that we have had sufficient time or notice to critically review the draft TMDL and determine how it will impact the Town of Gorham. We need additional time to determine if the proposed limits are justified and if so, how the proposed limits will be complied with and what burden they will place on our users and our community.

On behalf of the Gorham Water and Sewer Commission, we would like to discuss this matter with you directly. Please contact me so that we can schedule a time for you and other officials to meet with the Water & Sewer Superintendent and Commissioners.

Sincerely,


Kurt Johnson, Chief Operator
Gorham Wastewater Treatment Facility


David Patry
Superintendent

cc: ✓ Mr. Paul Mitnick, P.E., Maine DEP
Mr. Gregg Comstock, P.E., NH DES
Gorham Water and Sewer Commission